

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF
RICK S. ROBISON
TO PRACTICE AS AN OPTOMETRIST
IN THE STATE OF UTAH

:
:
: ORDER REINSTATING LICENSE
:

Case No. DOPL-2006-4

BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth
in the Division's Amended Memorandum of Understanding and Order,
dated February 9, 2006, in the above-referenced case number.

IT IS HEREBY ORDERED the probation on the license of RICK S.
ROBISON to practice as an optometrist be terminated and said license
be reinstated with full privileges effective the date of this Order.

Dated this 2 day of August, 2007.




F. David Stanley
Director

KARL G PERRY (# 2570)
Assistant Attorney General
MARK L SHURTLEFF (# 4666)
Utah Attorney General
Commercial Enforcement Division
160 East 300 South, 5th Floor
P O Box 140872
Salt Lake City, Utah 84114-0872
Telephone (801) 366-0310

**BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE ISSUANCE OF A) PROBATIONARY LICENSE TO RICK S.) ROBISON TO PRACTICE AS AN) OPTOMETRIST IN THE STATE OF UTAH)	AMENDED MEMORANDUM OF UNDERSTANDING AND ORDER CASE NO. DOPL 2006-4
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In January 2006, Rick S Robison ("Respondent") and the Division of Occupational and Professional Licensing of the Department of Commerce ("Division") entered into a Memorandum of Understanding and Order. This Amended Memorandum of Understanding and Order is entered into voluntarily between the parties to amend paragraph 5(1) which did not correctly recite the parties agreement.

Rick S Robison submitted an application for licensure as an Optometrist on or about December 1, 2005. On the Qualifying Questionnaire Respondent answered "yes" to questions #3, #4, #9, #10, #12, #13, #15, #20, #25, #26, #27 and #28. Documentation has been received by the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah showing that on or about July 30, 2001, Respondent plead guilty to two charges of Uttering a Forged or Altered Prescription, and one charge of Illegal Use and/or Possession of a Controlled Substance all being Third Degree Felonies.

Based upon Respondent's pleas of guilty, Respondent and Division, as evidenced by their signatures on this Memorandum of Understanding and Order, agree that Respondent shall be issued a probationary license to practice as an Optometrist subject to the following terms and conditions, which shall be in effect for a period of three years commencing upon the date this Memorandum of Understanding and Order is approved by the Division Director as evidenced by his signature.

1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action. Respondent admits that the conduct described above is unprofessional conduct as defined in Utah Code Annotated § 58-1-501 (2)(c).

2 Respondent acknowledges that Respondent enters into this Memorandum of Understanding and Order knowingly and voluntarily, and other than what is contained in this Memorandum of Understanding and Order, no promise or threat whatsoever has been made by the Division, or any member, officer, agent or representative of the Division to induce Respondent to enter into this agreement.

3 Respondent understands that Respondent has the right to be represented by an attorney in this matter, and the Respondent has either sought the advice of counsel or knowingly waives Respondent's right to counsel in this matter.

4 Respondent acknowledges that this Memorandum of Understanding and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities.

5 Respondent shall successfully complete and satisfy the following terms and conditions:

a Respondent shall meet with the Board on the next scheduled meeting of the Board after the signing of the accompanying Order. This meeting shall be at least on or before April 5, 2006. Respondent shall also meet with a Division staff person within 30 days of the signing of this Memorandum of Understanding and Order to review this agreement. For the remainder of the duration of probation, Respondent shall meet with the Board or with the Division, as directed by the Division, annually or at such other greater or lesser frequency as the Division may direct.

b Although the use and possession of alcohol is generally legal for persons age 21 and older, Respondent agrees to abstain from the personal use or possession of alcohol in any form. Respondent agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Respondent for a current bona fide illness or condition by a licensed practitioner and taken by Respondent in accordance with that practitioner's instructions. Respondent shall abstain from the use of any and all other mood altering substances or use of mood altering substances for any other purpose than the purpose for which the substance is intended.

c Prescriptions from an emergency practitioner or referral practitioner must be submitted to the Division within forty-eight (48) hours of being issued. Respondent shall report to the Division within forty-eight (48) hours any and all medications and controlled substances administered or dispensed to Respondent by any other individual.

d Respondent shall provide samples (urine, blood, saliva, hair, or any other type of sample requested) for drug analysis upon the request of the Division, to be conducted by any company with which the Division has contracted to conduct drug testing. The designated company may also request such samples and Respondent shall comply with such requests. The

Division shall determine when and where Respondent is to submit himself for testing. Respondent shall pay for the cost of drug testing and shall accurately complete and sign any and all release forms requested by the Division or the drug testing company with respect to drug testing, including but not limited to, forms authorizing the company to send the drug test results to the Division. Any report from a drug testing company that indicates that Respondent failed to provide a sample for drug analysis as directed will be considered a positive drug test result for Respondent and will subject Respondent to additional sanctions. Any drug test result or pattern of results that indicates that the sample provided by Respondent for drug analysis is diluted to an extent that it cannot be analyzed, will be considered a positive drug test result for Respondent and will subject Respondent to additional sanctions.

e Failure of Respondent to pay the costs associated with this Memorandum of Understanding and Order constitutes a violation of the Memorandum of Understanding and Order.

f The Division may take appropriate action to impose sanctions if Respondent tests positive for alcohol, a prescription drug, a controlled substance, or any mood altering substance which cannot be accounted for by an administration or prescription by a lawful practitioner for a current medical condition. Sanctions may include revocation or suspension of Respondent's license, or other appropriate sanction, in the manner provided by law.

g All reports and documentation required in this Memorandum of Understanding and Order shall be submitted to the Board on a monthly basis for the first six months of probation. If Respondent is in compliance with all terms and conditions of the Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis for the remainder of probation. If Respondent is not in compliance with all terms and conditions of the Order by the end of the first six (6) months of probation, all reports and documentation shall be submitted on a monthly basis until Respondent is in compliance with the Order, after which all reports shall be submitted on a quarterly basis.

h Respondent shall, at Respondent's expense (if necessary), make arrangements to have a supervisor, who must be approved by the Board and the Division, monitor Respondent's work performance. Respondent shall meet with the supervisor one time a week for supervision and review charts and determine how Respondent is coping with the stresses of Respondent's job and addiction problem. The supervisor shall submit reports and documentation to the Division at the frequency described in subparagraph (g) above.

i Respondent acknowledges that he can prescribe non controlled prescriptions dealing with afflictions of the eye. Respondent does not have a license to prescribe controlled substances and shall not write prescriptions for any such substances.

j. Respondent shall participate in all therapy and aftercare that the Division and the Board may require. Respondent shall authorize all approved treatment programs or therapists from whom Respondent has received or will receive treatment to discuss Respondent's diagnosis, treatment, and prognosis with the Division and the Board. The program or therapist must also be directed to submit evaluations to the Board that address Respondent's progress in treatment and

f

Respondent's prognosis at the frequency described above Respondent may be subject to re-evaluation upon notice and opportunity to be heard

k Respondent shall participate in a professional support group and/or 12 step program, that the Division and the Board may require, to address Respondent's use of alcohol and/or mood altering drugs and shall submit documentation that reflects Respondent's continuing and regular attendance at such support group meetings and programs Respondent shall submit such documentation to the Division at the frequency described in subparagraph (g) above Regular attendance for the purpose of this paragraph shall be at least one time per month or as recommended by evaluation or the Division

l Respondent shall notify any employer of Respondent's restricted status and the terms of this agreement Respondent shall further cause Respondent's employer to submit performance evaluations to the Board at the frequency described in subparagraph (g) above The receipt of an unfavorable report may be considered to be a violation of probation If Respondent is not employed as an Optometrist, Respondent shall submit the employer report form on the date it is due and indicate on that form that Respondent's current employment is not in Optometry or that Respondent is not currently working

m Respondent shall notify the Board in writing within one (1) week of any change of employer, employment status, or practice status This notification is required regardless of whether Respondent is employed in Respondent's profession

n If Respondent leaves the State of Utah for a period longer than sixty (60) days, Respondent shall notify the Division and Board in writing of the dates of Respondent's departure and return The licensing authorities of the jurisdiction to which Respondent moves shall be notified by Respondent in writing of the provisions of this Memorandum of Understanding and Order Periods of residency or practice outside the State of Utah may apply to the reduction of the period this Memorandum of Understanding and Order is in effect, if the new state of residency places equal or greater conditions upon the Respondent as those contained in this Memorandum of Understanding and Order

o If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent agrees to cause the Division and Board to be notified immediately If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions

p Respondent must maintain a current license at all times during the period of this agreement

q Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address

r In the event Respondent does not practice as an Optometrist for a period of sixty (60) days or longer, Respondent shall notify the Board in writing of the date Respondent ceased practicing. The period of time in which Respondent does not practice shall not be counted toward the time period of this Memorandum of Understanding and Order. It shall be within the discretion of the Board to modify this requirement if Respondent satisfactorily explains to the Board that compliance in Respondent's case was impractical or unduly burdensome. Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession.

s Respondent agrees to abide by all applicable federal and state laws, regulations, rules or orders related to Respondent's practice as an Optometrist.

6 Respondent understands that the issuance of a license pursuant to this Memorandum of Understanding and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative review of that partial denial of licensure.

7 If Respondent successfully completes the terms of this Memorandum of Understanding and Order, the conditions on Respondent's license as an Optometrist will be lifted and Respondent's license will not be subject to further restriction.

8 If Respondent violates any term or condition of this Memorandum of Understanding and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

9 The terms and conditions of this Memorandum of Understanding and Order become effective immediately upon the approval of this Memorandum of Understanding and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Memorandum of Understanding and Order immediately after the Division Director signs the Order page of this Memorandum of Understanding and Order. The Respondent shall complete all the terms and conditions contained in the Memorandum of Understanding and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in this Memorandum of Understanding and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Memorandum of Understanding and Order and may subject Respondent to revocation or other sanctions.

10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties. There are no verbal agreements that modify, interpret, construe or affect this Memorandum of Understanding and Order. Further, Respondent has read each and every paragraph contained in this Memorandum of Understanding and Order. Respondent understands

each and every paragraph contained in this Memorandum of Understanding and Order
Respondent has no questions about any paragraph or provision contained in this Memorandum of
Understanding and Order

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY



NOEL TAXIN
Bureau Manager

DATE

2/7/06

RESPONDENT

BY



RICK S ROBISON

DATE

2/8/06

MARK L SHURTLEFF
ATTORNEY GENERAL

BY


KARL G PERRY
Counsel for the Division

DATE

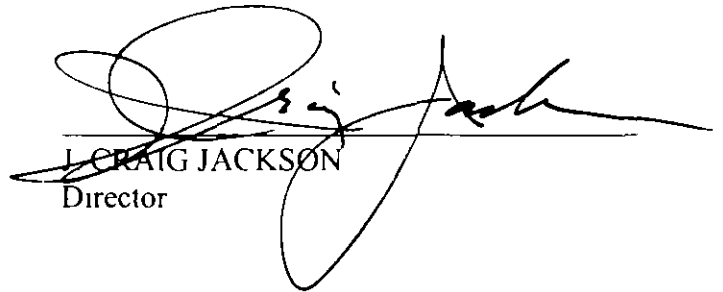
2/7/06

ORDER

THE ABOVE MEMORANDUM OF UNDERSTANDING, in the matter of Rick S Robison is hereby approved by the Division of Occupational and Professional Licensing. The terms and conditions of the Stipulation and Order are incorporated herein and constitute my final Order in this case.

DATED this 9th day of February, 2006

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



CRAIG JACKSON
Director

KARL G PERRY (# 2570)
Assistant Attorney General
MARK L SHURTLEFF (# 4666)
Utah Attorney General
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Salt Lake City, Utah 84114-0872
Telephone (801) 366-0310

BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE ISSUANCE OF A) PROBATIONARY LICENSE TO RICK S.) ROBISON TO PRACTICE AS AN) OPTOMETRIST IN THE STATE OF UTAH)	MEMORANDUM OF UNDERSTANDING AND ORDER CASE NO. DOPL 2006-4
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Rick S Robison ("Respondent") submitted an application for licensure as an Optometrist on or about December 1, 2005. On the Qualifying Questionnaire Respondent answered "yes" to questions #3, #4, #9, #10, #12, #13, #15, #20, #25, #26, #27 and #28. Documentation has been received by the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") showing that on or about July 30, 2001, Respondent plead guilty to two charges of Uttering a Forged or Altered Prescription, and one charge of Illegal Use and/or Possession of a Controlled Substance all being Third Degree Felonies.

Based upon Respondent's pleas of guilty, Respondent and Division, as evidenced by their signatures on this Memorandum of Understanding and Order, agree that Respondent shall be issued a probationary license to practice as an Optometrist subject to the following terms and conditions, which shall be in effect for a period of three years commencing upon the date this Memorandum of Understanding and Order is approved by the Division Director as evidenced by his signature.

1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action. Respondent admits that the conduct described above is unprofessional conduct as defined in Utah Code Annotated § 58-1-501 (2)(c).

2 Respondent acknowledges that Respondent enters into this Memorandum of Understanding and Order knowingly and voluntarily, and other than what is contained in this Memorandum of Understanding and Order, no promise or threat whatsoever has been made by

the Division, or any member, officer, agent or representative of the Division to induce Respondent to enter into this agreement

3 Respondent understands that Respondent has the right to be represented by an attorney in this matter, and the Respondent has either sought the advice of counsel or knowingly waives Respondent's right to counsel in this matter

4 Respondent acknowledges that this Memorandum of Understanding and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities

5 Respondent shall successfully complete and satisfy the following terms and conditions

a Respondent shall meet with the Board on the next scheduled meeting of the Board after the signing of the accompanying Order. This meeting shall be at least on or before April 5, 2006. Respondent shall also meet with a Division staff person within 30 days of the signing of this Memorandum of Understanding and Order to review this agreement. For the remainder of the duration of probation, Respondent shall meet with the Board or with the Division, as directed by the Division, annually or at such other greater or lesser frequency as the Division may direct

b Although the use and possession of alcohol is generally legal for persons age 21 and older, Respondent agrees to abstain from the personal use or possession of alcohol in any form. Respondent agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Respondent for a current bona fide illness or condition by a licensed practitioner and taken by Respondent in accordance with that practitioner's instructions. Respondent shall abstain from the use of any and all other mood altering substances or use of mood altering substances for any other purpose than the purpose for which the substance is intended

c Prescriptions from an emergency practitioner or referral practitioner must be submitted to the Division within forty-eight (48) hours of being issued. Respondent shall report to the Division within forty-eight (48) hours any and all medications and controlled substances administered or dispensed to Respondent by any other individual

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Regular attendance for the purpose of this paragraph shall be at least one time per month or as recommended by evaluation or the Division

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o If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent agrees to cause the Division and Board to be notified immediately If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions

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discretion of the Board to modify this requirement if Respondent satisfactorily explains to the Board that compliance in Respondent's case was impractical or unduly burdensome. Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession.

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6 Respondent understands that the issuance of a license pursuant to this Memorandum of Understanding and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative review of that partial denial of licensure.

7 If Respondent successfully completes the terms of this Memorandum of Understanding and Order, the conditions on Respondent's license as an Optometrist will be lifted and Respondent's license will not be subject to further restriction.

8 If Respondent violates any term or condition of this Memorandum of Understanding and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

9 The terms and conditions of this Memorandum of Understanding and Order become effective immediately upon the approval of this Memorandum of Understanding and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Memorandum of Understanding and Order immediately after the Division Director signs the Order page of this Memorandum of Understanding and Order. The Respondent shall complete all the terms and conditions contained in the Memorandum of Understanding and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in this Memorandum of Understanding and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Memorandum of Understanding and Order and may subject Respondent to revocation or other sanctions.

10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties. There are no verbal agreements that modify, interpret, construe or affect this Memorandum of Understanding and Order. Further, Respondent has read each and every paragraph contained in this Memorandum of Understanding and Order. Respondent understands each and every paragraph contained in this Memorandum of Understanding and Order. Respondent has no questions about any paragraph or provision contained in this Memorandum of Understanding and Order.

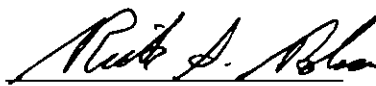
DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY 

NOEL TAXIN
Bureau Manager

DATE 1/5/06

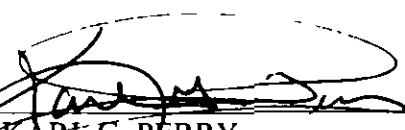
RESPONDENT

BY 

RICK S ROBISON

DATE 1/5/06

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 

KARL G PERRY
Counsel for the Division

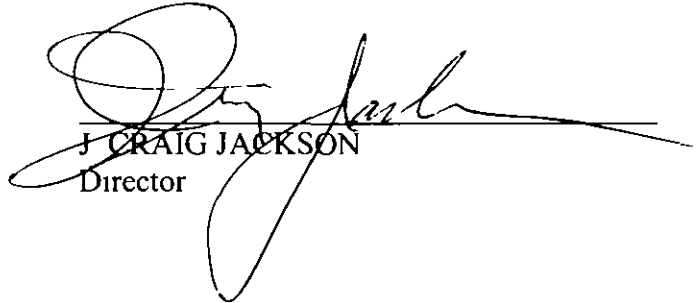
DATE 1/5/06

ORDER

THE ABOVE MEMORANDUM OF UNDERSTANDING, in the matter of Rick S Robison is hereby approved by the Division of Occupational and Professional Licensing. The terms and conditions of the Stipulation and Order are incorporated herein and constitute my final Order in this case.

DATED this 5th day of January, 2006

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


J CRAIG JACKSON
Director